

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE

CHAPTER 13 FEE APPLICATION

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GENERAL ORDER NO. 2004-5

**MOTION PURSUANT TO GENERAL ORDER NO 2004-5
FOR RECONSIDERATION OF THE
MAXIMUM AMOUNTS SET FOR FIXED FEE ASSIGNMENTS
IN CHAPTER 13 CASES**

TO THE HONORABLE CHIEF JUDGE:

1. In order to ensure that fee arrangements for the consumer bar adequately reflect the increased responsibilities proscribed by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; the new Local Procedures for Administrators of Chapter 13 Bankruptcy Cases, including Direct Mortgage Payments, the undersigned trustee is filing this Motion for Reconsideration.
2. The trustee believes that the current fixed fee arrangement as set forth in General Order No. 2004-5 has proven to be an efficient and fair process for compensating Counsel in Chapter 13 cases.
3. The trustee now believes there is an issue, given the new enactments to the Bankruptcy Code, and the implementation of new local procedures as to whether the current fixed fee arrangement will be reasonable after October 17, 2005. It appears when reviewing the factors that determine reasonable compensation as set out in Section 330 of the Bankruptcy Code, the present fixed fee arrangement is not sufficient. Under the new law and procedures Counsel will need to spend significantly more time on consultation with their

clients and case preparation. In addition, there will be increased document production and more stringent noticing requirements.

4. The Court stated in General Order No. 2004-5 that from time-to-time on motion it would consider a change in the fixed fee contracts. The trustee respectfully requests the Court to consider a fixed fee up to a maximum of \$2,875.00, including expenses, but not including filing fee, on a "first out" bases; and a fixed fee up to a maximum of \$3,260.00 including expenses, but not including the filing fee with counsel receiving one-half of the initial plan distribution until counsel is paid in full.

Wherefore Premises Considered the trustee believes that it is important that debtors' counsel continue to receive reasonable and fair compensation and, thus file this motion accordingly.

Respectfully Submitted,



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